

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: David Quigley, AICP, Planning and Zoning Manager/(954) 797-1103

PREPARED BY: Lise Bazinet, Planner II

SUBJECT: Resolution

AFFECTED DISTRICT: 1

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: RESTRICTIVE COVENANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A CHANGE ON THE DECLARATION OF RESTRICTIONS OF THE PROPERTY LOCATED AT 8150 WEST STATE ROAD 84, AND PROVIDING AN EFFECTIVE DATE. (DG 8-3-09, AT&T DEYN, 8150 State Road 84 (B-3))

REPORT IN BRIEF: In 1988, the previous owner of the subject property executed a Declaration of Restrictions in order to voluntarily restrict the use of the property to "self storage". The current owner is requesting that the Town approve a modification of the Declaration of Restrictions to also allow a wireless telecommunication facility. Construction of a new telecommunications (tower) facility on the parcel will require a separate approval by Town Council.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution, Exhibits, Applicant's Justification Letter, Future Land Use Plan Map, Aerial and Zoning Map

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING A CHANGE ON THE DECLARATION OF
RESTRICTIONS OF THE PROPERTY LOCATED AT 8150 WEST
STATE ROAD 84 AND PROVIDING AN EFFECTIVE DATE

WHEREAS, a Declaration of Restrictions was voluntarily made by the owner in
benefit of the Town of Davie for the property located at 8150 West State Road 84, in
Davie on April 26, 1988; and

WHEREAS, said declaration of restrictions was recorded in the public records of
Broward County in Plat Book 15380, Page 91; and

WHEREAS, consequently the plat known as the "Marmel Plat" was approved by
Town Council on January 7, 2009 consistent with said voluntary declaration of
restrictions; and

WHEREAS, the owner desires to revise the declaration of restrictions associated
with the uses of said property to add the following uses: "the erection and maintenance of
certain improvements, personal property and facilities in connection with one (1)
telecommunication tower serving one or more wireless carriers including, without
limitation, structural tower bases, radio transmitting and receiving antennas,
communication equipment, equipment cabinets and/or shelters and any related lines,
pipes and facilities."; and

WHEREAS, Broward County requires that the Town of Davie concur with this
revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN
OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the declaration of restrictions as set forth in Exhibit 1.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2009.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2009.

CARLTON FIELDS

ATTORNEYS AT LAW

RECEIVED

AUG - 6 2009

Town of Davie
Planning & Zoning

ATLANTA
MIAMI
ORLANDO
ST. PETERSBURG
TALLAHASSEE
TAMPA

EXHIBIT "1"

WEST PALM BEACH

CityPlace Tower
525 Okeechobee Boulevard, Suite 1200
West Palm Beach, Florida 33401 6350
P.O. Box 150
West Palm Beach, Florida 33402-0150

561.659.7070
561.659.7368 fax
www.carltonfields.com

Jason W. Brant
561.650.0338 direct
jbrant@carltonfields.com

August 5, 2009

David Abramson
Deputy Planning & Zoning Manager
Town of Davie Planning & Zoning Division
6591 Orange Drive
Davie, Florida 33314

VIA FEDERAL EXPRESS

Re: Application for review of Proposed Amendment to Declaration of Restrictions affecting the property (the "Property") located at 8150 West State Road 84, Davie, FL 33324 (Tax ID # 50-41-16-33-0010)

Dear Mr. Abramson:

This Firm has been engaged by AT&T, the prospective lessee of a portion of the Property, to request that the Town of Davie consider an amendment to the Declaration of Restrictions (the "Original Declaration") recorded April 26, 1988 in Official Records Book 15380, Page 91 of the Public Records of Broward County, Florida, four (4) copies of which are attached hereto as Exhibit A.

The provisions of the Original Declaration were created for the benefit of the Town of Davie, and included an enumeration of particular uses to be permitted on the Property. Section 4 of the Original Declaration provides that it may be amended by the Town of Davie with the consent of the current owner of the Property.

The current owner of the Property, Public Storage, a Maryland real estate investment trust ("Public Storage"), is the successor by merger to Storage Equities, Inc., a California corporation ("Storage Equities"), which acquired the Property from MarMel Investment Limited Partnership I, a Florida limited partnership ("MarMel"), the entity which created the Original Declaration. For your reference, I have included (i) two (2) copies, attached hereto as Exhibit C, of the Warranty Deed recorded October 27, 1994 in Official Records Book 22766, Page 471 of the Public Records of Broward County, Florida, whereby MarMel conveyed the Property to Storage Equities, and (ii) two (2) copies, attached hereto as Exhibit D, of the Public Storage Certificate of Secretary detailing a succession of corporate transactions whereby Storage Equities was merged into an intermediary entity, which in turn was merged into Public Storage, which is the surviving entity and sole owner of the Property.

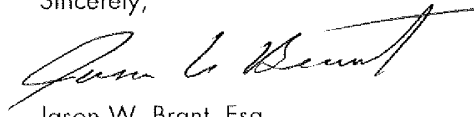
David Abramson
August 5, 2009
Page 2

AT&T desires to lease a portion of the Property from Public Storage for the construction and maintenance of a telecommunications tower and certain associated facilities. The proposed Amendment to Declaration of Restrictions (the "Proposed Amendment"), four (4) copies of which are attached hereto as Exhibit B, would clarify that the Property may be used for such purposes, in addition to restating those permitted uses previously set forth in the Original Declaration.

In addition to the materials referenced above, I have also included, as Exhibit E attached hereto, two (2) copies of the MarMel Plat, recorded in Plat Book 157, Page 5 of the Public Records of Broward County, which legally describes and graphically depicts the Property. Please also find enclosed an executed original Town of Davie Planning and Zoning Division Plat Amendment/Delegation (DG) Application, a copy of the executed Pre-application Meeting Form, and our Firm's check No. 14442 in the amount of \$500.00 for the Application Fee. This Letter shall serve as the required justification letter.

Please do not hesitate to contact me with any questions or comments concerning the foregoing or any of the Attachments or Enclosures.

Sincerely,

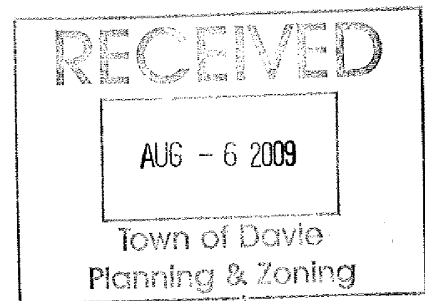


Jason W. Brant, Esq.

JWB/sh

Enclosures

Cc: Debbie Winikor (via e-mail, w/out enclosures)
Matthew Jerry (via e-mail, w/out enclosures)
John Heggy (via e-mail, w/out enclosures)
Henry Wulf (via e-mail, w/out enclosures)



88162235

EXHIBIT "A" (ORIGINAL RESTRICTION)

K-88-19

"Exhibit C"

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, that the undersigned MarMel Investment Limited Partnership I, a Florida Limited Partnership, being the owner of that certain real property located in the Town of Davie, Broward County, Florida, and described on Exhibit "A" attached hereto and made a part hereof, voluntarily make the following Declaration of Restrictions covering the above-described real property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this dedication shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit of the Town of Davie, Florida.

1. The above-described property shall be used for the following uses:

Self-storage facilities, provided that said facilities shall be constructed and maintained in a separate, free-standing structure and that there shall be no direct access to individual storage units from the exterior of the building; retail stores, personal services; offices, studios; commercial recreation; recreation, entertainment facilities such as health spas, gymnasiums; rental of trucks and utility trailers; accessory structures and uses.

2. These restrictions shall not be construed to grant a use not allowable under the applicable zoning category of the subject property.

3. Development of the described property shall be in conformance with the approved master land use plan attached hereto and made a part hereof as Exhibit "B", or any amendment thereto approved by the Town of Davie.

4. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only by the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination thereof shall be recorded in the Public Records of Broward County, Florida.

SEE ITEM
RETURN TO
FRONT RECORDS

Apr 26 2 09 PM '88

BK15380PG7091

17
42.50
per

EXHIBIT "A"

A portion of Section 16, Township 50 South, Range 41 East, lying and being in Broward County, Florida, more fully described as follows:

Commencing at the Southeast corner of said Section 16; thence South $88^{\circ}10'41''$ West, along the South line of said Section 16, a distance of 1550.50 feet; thence North $1^{\circ}05'34''$ West, a distance of 3391.34 feet; thence North $74^{\circ}51'20''$ West, a distance of 416.53 feet; thence South $11^{\circ}41'36''$ West, a distance of 142.38 feet to the Point of Beginning; thence North $74^{\circ}53'40''$ West, a distance of 280.24 feet; thence South $11^{\circ}41'36''$ West, a distance of 494.35 feet; thence North $85^{\circ}56'30''$ East, a distance of 16.18 feet; thence North $68^{\circ}24'34''$ East, a distance of 304.07 feet; thence North $11^{\circ}41'36''$ East, a distance of 299.39 feet; thence South $74^{\circ}51'20''$ East, a distance of 10 feet; thence North $11^{\circ}41'36''$ East, a distance of 7.62 feet; to the Point of Beginning.

BR15380PG 093

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
L. A. HESTER
COUNTY ADMINISTRATOR

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
L. A. HESTER
COUNTY ADMINISTRATOR

EXHIBIT B ⑤

BK15380PG-094

LEGAL DESCRIPTION:

JEFF
FALKANGER &
ASSOCIATES
INCORPORATED
610 SOUTH CENTRAL
AVENUE, SUITE 200
DALLAS, TEXAS 75219

SELF STORAGE
BUILDING
MARTEL
INVESTMENT
CORP.

4-2

 2

THIS INSTRUMENT WAS PREPARED BY AND,
AFTER RECORDING, RETURN TO:
Jason W. Brant, Esquire
CARLTON FIELDS, P.A.
525 Okeechobee Boulevard, Suite 1200
West Palm Beach, Florida 33401-6149

**AMENDMENT TO
DECLARATION OF RESTRICTIONS**

THIS AMENDMENT TO DECLARATION OF RESTRICTIONS, (this "Amendment") is made and entered into this ____ day of _____, 2009, by and among the Town of Davie, a political subdivision of the State of Florida (the "Town of Davie"), and Public Storage, a Maryland real estate investment trust ("Public Storage"), successor by merger to Storage Equities, Inc., a California corporation ("Storage Equities").

RECITALS

WHEREAS, Storage Equities acquired that certain real property lying and situate in Broward County, Florida, as more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property") from MarMel Investment Limited Partnership I, a Florida limited partnership ("MarMel"); and

WHEREAS, pursuant to a series of mergers which are more particularly described in that certain Public Storage Certificate of Secretary, a true copy of which has been recorded in the Public Records of Broward County, Florida as of even date herewith, Public Storage is the surviving entity and sole current owner of the Property; and

WHEREAS, MarMel made and entered into a Declaration of Restrictions with respect to the Property dated March 28, 1988, and recorded April 26, 1988 in Official Records Book 15380, Page 91 of the Public Records of Broward County, Florida (the "Declaration"); and

WHEREAS, the restrictions contained within the Declaration were created for the benefit of the Town of Davie; and

WHEREAS, Section 4 of the Declaration provides that the Declaration may be amended by the Town of Davie with the consent of MarMel or its successors in title.

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, including the mutual covenants and agreements hereinafter set forth, the receipt and legal sufficiency of which are hereby acknowledged by the parties hereto, the parties hereto hereby covenant and agree as follows:

1. The foregoing Recitals are true and correct and are incorporated herein by this reference.
2. Section 1 of the Declaration is hereby amended to read as follows:

The above-described property shall be used for the following uses: (a) self-storage facilities, provided that said facilities shall be constructed and maintained in a separate, free-standing structure and that there shall be no direct access to individual storage units from the exterior of the building; (b) retail stores; (c) personal services; (d) offices; (e)

studios; (f) commercial recreation; (g) recreation or entertainment facilities such as health spas and gymnasiums; (h) rental of trucks and utility trailers; (i) accessory structures and uses; and (j) the erection and maintenance of certain improvements, personal property and facilities in connection with one (1) telecommunications tower serving one or more wireless carriers including, without limitation, structural tower bases, radio transmitting and receiving antennas, communications equipment, equipment cabinets and/or shelters and any related lines, pipes and facilities.

3. Except as specifically amended by this Amendment, all of the remaining provisions of the Declaration shall remain in full force and effect, and are hereby ratified and confirmed.

4. This Amendment may be executed in multiple counterparts, each of which shall be deemed an original whether or not each has been executed by both of the parties hereto.

5. Public Storage hereby joins in the execution of this Amendment as the successor in title to MarMel and the current owner of the Property to evidence its consent the provisions hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment on the day and year first above written.

WITNESSES:

Town of Davie, a political subdivision of the State of Florida

By: _____

Name: _____
Print Name: _____

Name: _____

Title: _____

Name: _____
Print Name: _____

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by _____, as _____ of the Town of Davie, a political subdivision of the State of Florida, on behalf of the Town. He/she is ☐ personally known to me or ☐ has produced _____ as identification.

My Commission Expires:

(AFFIX NOTARY SEAL)

(Signature)

Name: _____

(Legibly Printed)

Notary Public, State of Florida

(Commission Number, if any)

[Remainder of the page is intentionally left blank; signatures continue on the next page.]

WITNESSES:

Public Storage, a Maryland real estate investment trust

Name: _____
Print Name: _____

By: _____
David F. Doll, Senior Vice President

Name: _____
Print Name: _____

STATE OF CALIFORNIA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, by David F. Doll, as Senior Vice President of Public Storage, a Maryland real estate investment trust, on behalf of such entity. He is ☐ personally known to me or ☐ has produced _____ as identification.

My Commission Expires:

(AFFIX NOTARY SEAL)

(Signature)
Name: _____
(Legibly Printed)

Notary Public, State of California

(Commission Number, if any)

EXHIBIT "A"

Legal Description of the Property

A PORTION OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 41 EAST, LYING AND BEING IN BROWARD COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE SOUTH 88 DEGREES 30 MINUTES 41 SECONDS WEST, ALONG THE SOUTH OF SAID SECTION 16, A DISTANCE OF 1550.50 FEET; THENCE NORTH 01 DEGREES 05 MINUTES 34 SECONDS WEST, A DISTANCE OF 3391.34 FEET; THENCE NORTH 74 DEGREES 51 MINUTES 20 SECONDS WEST, A DISTANCE OF 416.53 FEET; THENCE SOUTH 11 DEGREES 41 MINUTES 36 SECONDS WEST, A DISTANCE OF 142.36 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74 DEGREES 53 MINUTES 40 SECONDS WEST, A DISTANCE OF 280.24 FEET; THENCE SOUTH 11 DEGREES 41 MINUTES 36 SECONDS WEST, A DISTANCE OF 494.35 FEET; THENCE NORTH 85 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 16.18 FEET; THENCE NORTH 68 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 304.07 FEET; THENCE NORTH 11 DEGREES 41 MINUTES 36 SECONDS EAST, A DISTANCE OF 299.39 FEET; THENCE SOUTH 74 DEGREES 51 MINUTES 20 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 11 DEGREES 41 MINUTES 36 SECONDS EAST, A DISTANCE OF 7.62 FEET; TO THE POINT OF BEGINNING

LESS THE FOLLOWING DESCRIBED PROPERTY, ALSO KNOWN AS PARCEL 106 OF STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION PROJECT/SECTION 86095-2401, TO-WIT:

1)

A PORTION OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 41 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT A BRASS DISC IN CONCRETE MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER SOUTH 88 DEGREES 22 MINUTES 57 SECONDS WEST 1510.59 FEET TO THE EASTERLY BOUNDARY OF ARROWHEAD GOLF & TENNIS CLUB CONDOMINIUM AS PER DECLARATION OF CONDOMINIUM RECORDED IN O.R. BOOK 5582, PAGE 719, BROWARD COUNTY, FLORIDA; THENCE ALONG THE EASTERLY BOUNDARY OF SAID CONDOMINIUM NORTH 01 DEGREES 30 MINUTES 04 SECONDS WEST 555.86 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 84; THENCE NORTH 75 DEGREES 14 MINUTES 34 SECONDS WEST 457.94 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 75 DEGREES 14 MINUTES 34 SECONDS WEST 30.58 FEET; THENCE SOUTH 66 DEGREES 02 MINUTES 00 SECONDS EAST 31.58 FEET; THENCE NORTH 11 DEGREES 20 MINUTES 42 SECONDS EAST 5.06 FEET TO THE POINT OF BEGINNING

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTORS' REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

2)

A PORTION OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 41 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT A BRASS DISC IN CONCRETE MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER SOUTH 88 DEGREES 22 MINUTES 57 SECONDS WEST 1510.59 FEET TO THE EASTERLY BOUNDARY OF ARROWHEAD GOLF & TENNIS CLUB CONDOMINIUM AS PER DECLARATION OF CONDOMINIUM RECORDED IN O.R. BOOK 5582, PAGE 712, BROWARD COUNTY, FLORIDA; THENCE ALONG THE EASTERLY BOUNDARY OF SAID CONDOMINIUM NORTH 01 DEGREES 30 MINUTES 04 SECONDS WEST 555.88 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 84; THENCE NORTH 75 DEGREES 14 MINUTES 34 SECONDS WEST 488.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE NORTH 75 DEGREES 14 MINUTES 34 SECONDS WEST 239.40 FEET TO THE EASTERLY LINE OF THE PROPERTY DESCRIBED IN THAT CERTAIN QUITCLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 11433, PAGE 502, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY LINE SOUTH 11 DEGREES 20 MINUTES 42 SECONDS WEST 42.24 FEET; THENCE SOUTH 68 DEGREES 11 MINUTES 15 SECONDS EAST 274.33 FEET TO THE WESTERLY LINE OF SAID CONDOMINIUM; THENCE ALONG SAID WESTERLY LINE NORTH 11 DEGREES 20 MINUTES 42 SECONDS

EAST 70.94 FEET; THENCE NORTH 66 DEGREES 02 MINUTES 00 SECONDS WEST 31.58 FEET TO THE POINT OF BEGINNING.

LESS THAT PORTION OF THE ABOVE-DESCRIBED PROPERTY DEDICATED AS THOROUGHFARE AND LABELED AS "RW DEDICATION" ON THE "MARMEL PLAT" RECORDED IN PLAT BOOK 157 AT PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

ALL OF THE FOREGOING BEING ALSO KNOWN AS:

PARCEL "A" OF MARMEL PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 157 AT PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

Record and Return to:
Jon Chassen, Esq.
Kelley Drye & Warren
201 S. Biscayne Blvd., #2400
Miami, FL 33131

EXHIBIT "C"

94-522406 T#001
10-27-94 11:54AM
\$ 14875.00
DOCU. STAMPS-DEED
RECVD. BROWARD CTY
B. JACK OSTERHOLT
COUNTY ADMIN.

PREPARED BY:
JOEL D. KOPELMAN, ESQ.
NAVON & KOPELMAN, P.A.
2699 STIRLING ROAD-SUITE B-303
FT. LAUDERDALE, FLORIDA 33312

WARRANTY DEED

THIS INDENTURE, made this 13 day of October, 1994, by MarMel Investment Limited Partnership I, a Florida limited partnership, Grantor, whose address is 7900 S.W. 24th Street, Suite 104, Davie, Florida 33324, and STORAGE EQUITIES, INC., a California corporation, Grantee, whose post office address is 600 North Brand Blvd., Glendale, CA 91203-1241.

WITNESSETH:

That the Grantors, for and in consideration of the sum of Ten (\$10.00) Dollars, to them in hand paid by the said Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to the Grantee, their heirs and assigns forever, the following described land, situate and being in the County of Broward, State of Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof.

SUBJECT TO real estate taxes for 1994 and subsequent years, and conditions, agreements, easements, reservations and restrictions of record, without reimposing same.

And the said Grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

Folio No. 10116-00-00650

Grantee(s) Fed ID#: 95-3551121

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the Presence of:

MARMEL INVESTMENT LIMITED PARTNERSHIP
I, a Florida limited partnership

By: MarMel Investment Corporation, a
Florida corporation, sole
general partner

By: Mark E. Steink
Mark E. Steink, President

(Corporate Seal)

Printed Name: JOEL D. KOPELMAN

Printed Name: PAULA FAY

Record as is per Paula Fay

BR22766PG0471

Beam

LEGAL DESCRIPTION:

A PORTION OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 41 EAST, LYING AND BEING IN BROWARD COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16; THENCE SOUTH 88 DEGREES 30 MINUTES 41 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 16, A DISTANCE OF 1550.50 FEET; THENCE NORTH 01 DEGREES 05 MINUTES 34 SECONDS WEST, A DISTANCE OF 3391.34 FEET; THENCE NORTH 74 DEGREES 51 MINUTES 20 SECONDS WEST, A DISTANCE OF 416.53 FEET; THENCE SOUTH 11 DEGREES 41 MINUTES 36 SECONDS WEST, A DISTANCE OF 142.38 FEET TO THE POINT OF BEGINNING; THENCE NORTH 74 DEGREES 53 MINUTES 40 SECONDS WEST, A DISTANCE OF 280.24 FEET; THENCE SOUTH 11 DEGREES 41 MINUTES 36 SECONDS WEST, A DISTANCE OF 494.35 FEET; THENCE NORTH 85 DEGREES 58 MINUTES 30 SECONDS EAST, A DISTANCE OF 16.18 FEET; THENCE NORTH 68 DEGREES 24 MINUTES 34 SECONDS EAST, A DISTANCE OF 304.07 FEET; THENCE NORTH 11 DEGREES 41 MINUTES 36 SECONDS EAST, A DISTANCE OF 299.39 FEET; THENCE SOUTH 74 DEGREES 51 MINUTES 20 SECONDS EAST, A DISTANCE OF 10.00 FEET; THENCE NORTH 11 DEGREES 41 MINUTES 36 SECONDS EAST, A DISTANCE OF 7.62 FEET; TO THE POINT OF BEGINNING.

LESS THE FOLLOWING DESCRIBED PROPERTY, ALSO KNOWN AS PARCEL 106 OF STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION PROJECT/SECTION 86095-2401, TO-WIT:

1)

A PORTION OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 41 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT A BRASS DISC IN CONCRETE MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER SOUTH 88 DEGREES 22 MINUTES 57 SECONDS WEST 1510.59 FEET TO THE EASTERLY BOUNDARY OF ARROWHEAD GOLF & TENNIS CLUB CONDOMINIUM AS PER DECLARATION OF CONDOMINIUM RECORDED IN O.R. BOOK 5582, PAGE 719, BROWARD COUNTY, FLORIDA; THENCE ALONG THE EASTERLY BOUNDARY OF SAID CONDOMINIUM NORTH 01 DEGREES 30 MINUTES 04 SECONDS WEST 555.88 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 84; THENCE NORTH 75 DEGREES 14 MINUTES 34 SECONDS WEST 457.94 FEET TO THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 75 DEGREES 14 MINUTES 34 SECONDS WEST 30.88 FEET; THENCE SOUTH 68 DEGREES 02 MINUTES 00 SECONDS EAST 31.58 FEET; THENCE NORTH 11 DEGREES 20 MINUTES 42 SECONDS EAST 5.06 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE GRANTORS' REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

2)

A PORTION OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 41 EAST, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT A BRASS DISC IN CONCRETE MARKING THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 16; THENCE ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER SOUTH 88 DEGREES 22 MINUTES 57 SECONDS WEST 1510.59 FEET TO THE EASTERLY BOUNDARY OF ARROWHEAD GOLF & TENNIS CLUB CONDOMINIUM AS PER DECLARATION OF CONDOMINIUM RECORDED IN O.R. BOOK 5582, PAGE 719, BROWARD COUNTY, FLORIDA; THENCE ALONG THE EASTERLY BOUNDARY OF SAID CONDOMINIUM NORTH 01 DEGREES 30 MINUTES 04 SECONDS WEST 555.88 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 84; THENCE NORTH 75 DEGREES 14 MINUTES 34 SECONDS WEST 488.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE NORTH 75 DEGREES 14 MINUTES 34 SECONDS WEST 239.40 FEET TO THE EASTERLY LINE OF THE PROPERTY DESCRIBED IN THAT CERTAIN QUITCLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 11433, PAGE 602, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE ALONG SAID EASTERLY LINE SOUTH 11 DEGREES 20 MINUTES 42 SECONDS WEST 42.24 FEET; THENCE SOUTH 68 DEGREES 11 MINUTES 15 SECONDS EAST 274.33 FEET TO THE WESTERLY LINE OF SAID CONDOMINIUM; THENCE ALONG SAID WESTERLY LINE NORTH 11 DEGREES 20 MINUTES 42 SECONDS EAST 70.94 FEET; THENCE NORTH 68 DEGREES 02 MINUTES 00 SECONDS WEST 31.58 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"

BK22766PG0473

(CONTINUATION OF LEGAL DESCRIPTION)

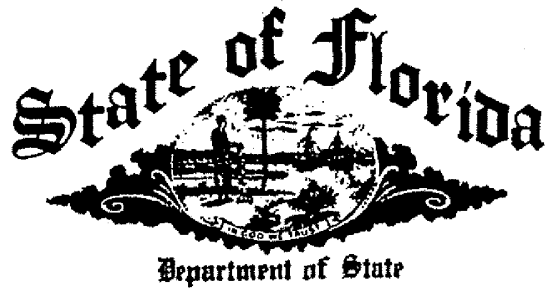
Less that portion of the above-described property dedicated as thoroughfare and labelled as "R/W DEDICATION" on the "MARMEL PLAT" recorded in Plat Book 157 at Page 5 of the Public Records of Broward County, Florida.

All of the foregoing being also known as:

PARCEL "A" OF MARMEL PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 157 AT PAGE 5 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

BK22766PG0474

EXHIBIT "D"



I certify from the records of this office that MARMEL INVESTMENT LIMITED PARTNERSHIP I is a limited partnership organized under the laws of the State of Florida, filed on December 29, 1986.

The document number of this limited partnership is A23950.

I further certify that said limited partnership has paid all fees due this office through December 31, 1994, and its status is active.

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
Twelfth day of September, 1994



CR2EO22 (2-91)

Jim Smith

Jim Smith
Secretary of State

BK22766PG0475

State of Florida



Department of State

I certify from the records of this office that MARMEL INVESTMENT CORPORATION, is a corporation organized under the laws of the State of Florida, filed on December 12, 1986.

The document number of this corporation is M43082.

I further certify that said corporation has paid all fees and penalties due this office through December 31, 1994, that its most recent annual report was filed on March 17, 1994, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
COUNTY ADMINISTRATOR

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
Twelfth day of September, 1994

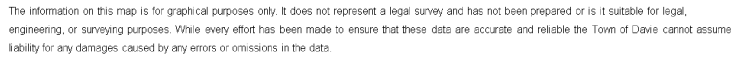


CR2EO22 (2-91)

Jim Smith

Jim Smith
Secretary of State

BR22766F0476





GIS MAP DISCLAIMER

The information on this map is for graphical purposes only. It does not represent a legal survey and has not been prepared or is it suitable for legal, engineering, or surveying purposes. While every effort has been made to ensure that these data are accurate and reliable the Town of Davie cannot assume liability for any damages caused by any errors or omissions in the data.



Zoning

State

DEDICATION OWNERSHIP

----- PRIVATE ROAD, PRIVATE, LOCAL OWNED

----- PUBLIC, OWNER NOT SPECIFIED

----- PUBLIC, COUNTY OWNED

----- PUBLIC, LOCAL OWNED

----- PUBLIC, STATE OWNED

----- DEDICATION NOT LISTED

----- DEDICATION NEEDS VERIFICATION

Town Boundary

Parcels



100 ft

